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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,300

06/20/2003

Jeffrey P. Whittemore

ZIP-0008

7713

7590

10/23/2006

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,300

Applicant(s)

WHITEMORE ET AL.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 20-38, 43 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43 and 45 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, 18, 20-31, 33-38, 46 and 47 is/are rejected.
- 7) ☒ Claim(s) 10 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the fourth Office Action for application serial number 10/600,300, Partition Mount with Extended-Length Head filed June 20, 2004. Claims 1-16, 18, 20-38, 43, and 45-47 are pending.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indexed positions and hinge must be shown or the features canceled from the claims 10, 38, 43, 45, and 46. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-9, 11, 15-16, 18 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,490,749 to Morad in view of U.S. Patent No. 6,718,589 to Kimbro. Morad teaches a mount comprising an elongated body (20), a curtain interface (14) and a coupler (18). The elongated body has a longitudinal axis. The curtain interface is coupled to an upper surface of the body. The coupler is adapted for coupling the elongated body to a mounting member (9). Additionally, the coupler includes an interface (34, 42) adapted to receive a mounting member. The coupling positioned of the coupler is adjustable over a range of positions relative to the longitudinal axis of the body. The curtain interface is a compressible material selected from the group consisting of foam, polyurethane foam, extruded vinyl and rubber strips, namely foam. The body comprises a U-shaped slot rail (24), wherein the curtain interface is mounted in the slot. The coupler is removably mountable to the body.

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Quick-release arms (32) engage a feature on the body for removably mounting the coupler to the body. The position of the coupler on the body can be adjusted variably. A mounting member comprises a mounting pole (9), wherein the interface is adapted to receive the mounting pole. A length of the body is substantially greater than a width of the body. The mounting member comprises a pole for mounting to the coupler, wherein the body is rotatable relative to the pole, when the coupler is threadedly engaging the interface. However, Morad fails to teach the mounting pole including a compression mechanism along a longitudinal axis thereof and fails to teach the length of the elongated body being at least one foot.

Kimbro teaches a mount comprising an elongated body (11), a curtain interface (12), a coupler (14) and a mounting member (15, 16). The mounting member comprises a pole for mounting to the coupler that is adjustable in length. The mounting pole includes a compression mechanism (20) along a longitudinal axis thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mounting member as taught by Morad to have incorporated the mounting member as taught by Kimbro, as mere substitution of functionally equivalent parts for the purpose of providing a mounting member that is extendable. Additionally, it would have been an obvious matter of design choice to have made the body one foot, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of U.S. Patent No. 6,718,589 to Kimbro, as applied to claims 1-5, 7-9, 11 and 15-17, in further view of U.S. Patent No. 4,077,083 to Siemund. Morad in view of Kimbro teaches the limitations of the base claim, including the elongated body, namely the rails being made from plastic. However, Morad in view of Morad fails to teach the rail of the elongated body comprising an extrusion.

Siemund teaches an elongated body (14) being made from a unitary piece of plastic. The elongated body is made by a method of molding or extruding. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method by which the elongated body including the rails are made as taught by Morad in view of Kimbro to have incorporated the extrusion as taught by Siemund providing an alternate method of making the elongated plastic body.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of Kimbro and in further view of U.S. Patent No. 3,433,510 to Hulterstrum. Morad in view of Kimbro teaches the limitations of the base claim, excluding the ball and socket joint.

Hulterstrum teaches a mounting comprising a coupler that includes one of a ball (24) and a socket joint (22) for receiving a corresponding one of a socket and a ball joint of the mounting pole (12). Additionally, the coupler further includes a retainer (50) for preventing lateral rotation of the body relative to the mounting pole. The ball joint of the mounting pole further includes a flange (62) having a flat surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have modified the coupler as taught by Morad in view of Kimbro to have incorporated the ball and socket joint as taught by Hultstrum for the purpose of providing swivel structure enabling the joined parts to be rigidly interconnected in a wide range of possible relative orientations.

Claims 20-26, 28-31, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of Kimbro and Hultstrum, as applied to claims 12-14, and in further view of U.S. Patent No. 5,551,115 to Newville. Morad in view of Kimbro and Hultstrum teaches the limitations of the base claim, excluding the coupler limiting lateral rotation of the body relative to the pole, while permitting rotation of the body relative to the pole in another direction of rotation.

Newville teaches a coupler having a socket (20) and ball configuration (22). The coupler limits lateral rotation of the body relative to the pole when the pole is received and extends between members (20). See column 2, lines 20+. Additionally, the coupler permits rotation of the body relative to the pole in another direction of rotation. See column 2, lines 15+. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pole as taught by Morad in view of Kimbro and Hultstrum to have incorporated the teaching of the socket as taught by Newville for the purpose of cleaning or scrubbing in especially relatively narrow spaces or to align the elongated body in a horizontal alignment to facilitate scrubbing of relatively wide spaces.

Regarding claim 37, Morad in view of Kimbro Hultstrum and Newville teaches the limitations of the base claim, excluding the length of the elongated body being at

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least one foot. It would have been an obvious matter of design choice to have made the body one foot, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Regarding claim 38, the coupler (20) comprises a hinge (22) that rotatably couples the body relative to the pole as shown by Newville.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of Kimbro and Hultstrum and Newville, and in further view of Siemund. Morad in view of Kimbro, Hultstrum and Newville teaches the limitations of the base claim, including the elongated body, namely the rails being made from plastic. However, the references fail to teach the rail of the elongated body comprising an extrusion.

Siemund teaches an elongated body (14) being made from a unitary piece of plastic. The elongated body is made by a method of molding or extruding. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method by which the elongated body including the rails are made as taught by Morad in view of Hultstrum, Newville to have incorporated the extrusion as taught by Siemund providing an alternate method of making the elongated plastic body.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newville in view of Kimbro. Newville teaches a mounting system comprising a pole (12), an elongated body (14), curtain interface, (17) and a coupler (20). The elongated body has a longitudinal axis along the body. The curtain interface is coupled to an upper surface

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of the body. The coupler is for rotatably coupling the pole to the body. The coupler limits lateral rotation of the body relative to the pole, while permitting rotation of the body relative to the pole in another direction of rotation, wherein the coupler comprises a hinge (22) that rotatably couples the body relative to the pole. However, Newville fails to teach an adjustable length pole.

Kimbrow teaches a mount comprising an elongated body (11), a curtain interface (12), a coupler (14) and a mounting member (15, 16). The mounting member comprises a pole for mounting to the coupler that is adjustable in length. The mounting pole includes a compression mechanism (20) along a longitudinal axis thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pole as taught by Newville to have incorporated the adjustable length pole as taught by Kimbro for the purpose of providing a mounting member that is extendable.

Allowable Subject Matter

Claims 10 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 43 and 45 are allowed.

Response to Arguments

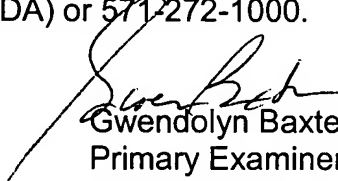
Applicant's arguments with respect to claims 1-16, 18, 20-38, 43, and 45-47 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

October 18, 2006